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09/749,174	12/27/2000	Liisa Kanninen	557.302US01	4935

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Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER

WORJLOH, JALATEE

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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08/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/749,174	Applicant(s) KANNIAINEN, LIISA	
	Examiner Jalatee Worjloh	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 41-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 and 51-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed May 29, 2007. Claims 1-63 are pending.

Response to Arguments

2. Applicant's arguments filed May 29, 2007 have been fully considered but they are not persuasive.
3. Applicant argues that Walker does not teach at least a trusted server preparing a contract for a transaction between a merchant system and a buyer system. Applicant states that "Walker teach that the central controller merely adds legal boilerplate language to a CPO created by a buyer".

However, the Examiner respectfully disagrees. Although Walker teaches the buyer adding conditions to the CPO, the CPO is not active until the central controller adds the "boilerplate legal language". By so doing, the CPO becomes an official contract, which is prepared by the central controller.

4. Applicant argues that Walker does not teach the central controller sending a prepared contract to a merchant system.

However, the Examiner respectfully disagrees. Notice, Walker teaches "the central controller then assigns a unique tracking number to the CPO and globally displays the CPO in a manner such that it is available to be viewed by any interested potential sellers". Once the CPO is posted, a seller may view it and accept it. Thus, the process of displaying the CPO globally is

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a form of transmission because such process allows the sellers to receive the CPO. If the CPO is not posted then the sellers will not be able to receive it.

5. Applicant argues that Walker does not teach the features of dependent claims 55-59 and that “if the buyer does not accept a counteroffer, no agreement has been reached; therefore no charging data would be processed. Thus, there would be no processing of charging data to cease.”

The Examiner respectfully disagrees for at least the following reason. Notice, Applicant claim recites the intended use feature “adapted to” and the Examiner notes that Walker teaches a system that is capable of performing the process. Thus, “the recitation of a new intended use for an old product does not make a claim to that old product patentable.” *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997).

6. Applicant argues that Claims 61-63 are not included in any of the statements of rejection. The Examiner notes that this is a typographical error, but directs Applicant to the page 5 of the Office Action dated February 26, 2007, which provides the rejection for these claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 3, 6-9, 11, 13, 14, 16-22, 25, 26, 28-32, 34-38, 40, 51-63 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5794207 to Walker et al. (“Walker”).

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Referring to claim 1, Walker discloses a trusted server (i.e. central controller), the trusted server prepares a contract for a transaction between a merchant system and a buyer system (col. 16, lines 63-67 & col. 17, lines 1-5 – the central controller creates the complete CPO), sends the prepared contract to the merchant system (see col. 9, lines 5-8) then sends the prepared contract to the buyer system for acceptance by a user of the buyer system (see col. 9, lines 45-50 – the central controller sends the CPO to the buyer for acceptance) and returns the accepted contract to the merchant system wherein the merchant system initiates the transaction based upon the accepted contract (see col. 23, lines 10-18), wherein the trusted server is an impartial intermediary for implementation of the contract between the merchant system and the buyer system, and a charging engine (i.e. the central controller) for calculating a charge to be paid to the merchant system by the user (see col. 21, lines 27-30 & col. 20, lines 22-25).

Referring to claims 2 and 37, Walker discloses the trusted server identifies whether the merchant system has modified the contract (see col. 22, lines 65 & 66 – the central controller sets the status to active).

Referring to claim 3, Walker discloses the trusted server finalizes the contract (see claim 1 above and col. 19, lines 61-67 – the central controller finalizes the contract and changes the status to “completed”).

Referring to claims 6-8 and 34-36, Walker discloses the charge is for product and the product comprises at least a portion of the content source, the content source comprises a document, and wherein the content comprises a multimedia object (see col. 20, lines 31-37).

Referring to claims 9 and 38, Walker discloses the buyer system comprises a mobile terminal (see col. 14, lines 53-65 – a pager).

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Referring to claims 11 and 40, Walker discloses the buyer system comprises a computer system coupled to the Internet (see col. 11, lines 53-59).

Referring to claims 13 and 25, Walker discloses the trusted server receives payment from the buyer system, confirms payment by the buyer system and prevents non-repudiation of the transaction by the buyer system (see claim 1 above).

Referring to claim 14 and 26, Walker discloses the charging engine receives charging data representing billing information from the merchant system and transfers a charge amount to the buyer system for payment by the buyer system (see col. 22, lines 53—67 & col. 23, lines 1-19 – the central controller submits the received counteroffer, which includes billing information, to the buyer).

Referring to claims 16 and 28, Walker discloses the trusted server receives payment from the buyer system based upon the charge amount sent to the buyer system, confirms payment by the buyer system and signals to the merchant system that payment has been made (see claim 14 above).

Referring to claims 17 –20 and 29 -32, Walker discloses the trusted server provides authentication for the transaction the buyer system, wherein authentication for the transaction comprises authentication of the product and the merchant system; wherein the system comprises a financial compensation system (i.e. central controller), the financial compensation system providing financial transaction support to the buyer system and the merchant system for the transaction (see claim 1 above).

Claims 21 and 22 are rejected on the same rationale as claim 1 above.

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Referring to claim 51, Walker discloses the charging engine processes the charging data in response to a single event occurring in accordance with the transaction (see claim 12 of Walker et al., when the acceptance from a seller is received, the payment is process).

Referring to claim 52, Walker discloses the charging engine processes the charging data in response to multiple events occurring in accordance with the transaction (see col. 22, lines 53—67 & col. 23, lines 1-19 – the seller sends a counteroffer, then it is accepted by the buyer, the payment is process).

Referring to claim 53, Walker discloses the charging engine processes the charging data to cause the payment to be made in multiple increments (see col. 22, lines 34-38).

Referring to claim 54, Walker discloses the multiple increments respectively correspond to multiple events, each of the multiple events occurring in accordance with the transaction (see claim 52 & 43 above).

Referring to claim 55, Walker discloses the buyer system is adapted to terminate at least a portion of the multiple events and cause the charging system to cease processing of the charging data (see claim 54 above – if the buyer does not accept the counteroffer the charging process is terminated).

Referring to claims 56-58, Walker discloses terminating further buying of the merchant offerings after processing the charging data (see claim 54 above – once the offer is accepted the transaction is terminated.). The system where the buyer/merchant/charging system is adapted to cease further buying of the merchant offerings after the charging system has processed the charging data for other of the merchant offerings is inherent. That is, after processing the data “further buying” is automatically ceased for each transaction.

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Referring to claim 59, Walker discloses the charging system terminates further buying of the merchant offerings in response to the command received from the buyer system (see claim 57 above – once the buyer accepts the counteroffer the transaction is completed).

Claims 60 and 61 are rejected on the same rationale as claim 1 above.

Referring to claims 62 and 63, Walker discloses the system wherein the trusted server is configured to validate a buyer signature associated with the accepted contract and manage modification of contract terms (see claim 60 above).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 5, 10, 12, 15, 23, 24, 27, 33, 39, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker as applied to claims 1, 21, 22 and 38 above, and further in view of US Publication No. 2002/0013774 to Morimoto.

Referring to claims 4 and 33, Walker discloses the merchant system (see claim 1 above). Walker does not expressly disclose the merchant system comprises a web server. Morimoto discloses a merchant system that comprises a web server (see paragraph [0039]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Walker to include a web server. One of ordinary skill in the art would

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have been motivated to do this because allows the merchant and user to perform transactions remotely.

Referring to claims 5 and 24, Walker discloses an interface between the merchant system and the buyer system (see claim 1 above). Walker does not expressly disclose the interface including a Wireless Application Protocol (WAP) server for the buyer system supporting WAP connection. Morimoto discloses an interface between the merchant and the buyer system including a WAP server for the buyer system supporting WAP connection (see paragraph [0066]). Notice, Morimoto discloses utilizing wireless devices for the negotiation process, which suggests that the interface may be a WAP server for WAP connection. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Walker et al. include a WAP server for the buyer system supporting WAP connection. One of ordinary skill in the art would have been motivated to do this it supports mobile transactions.

Referring to claims 10 and 39, Walker discloses the buyer system comprises a mobile terminal. Walker does not expressly disclose the system wherein the mobile terminal comprises a web-enabled mobile phone. Morimoto discloses the buyer system comprises a mobile terminal, wherein the mobile terminal comprises a web-enabled mobile phone (see paragraph [0066]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Walker to include a mobile terminal. One of ordinary skill in the art would have been motivated to do this because it allows the buyer to communicate with the merchant in various locations.

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Referring to claims 12 and 23, Walker discloses the buyer system and the merchant system. Walker does not expressly disclose a World Wide Web interface, the World Wide Web interface interfacing the buyer system and the merchant system. Morimoto discloses a World Wide Web interface, the World Wide Web interface interfacing the buyer system and the merchant system (see paragraph [0038]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Walker to include a World Wide Web interface. One of ordinary skill in the art would have been motivated to do this because it provides means for electronic commerce.

Referring to claims 15 and 27, Walker discloses the charging data (see claim 14 above). Walker does not expressly disclose the charging engine converts the received charging data into another form ready to be transferred to the buyer system. Morimoto discloses the charging engine converts the received charging data into another form ready to be transferred to the buyer system (see paragraph [059]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Walker et al. to allow the charging engine to convert the received charging data into another form ready to be transferred to the buyer system. One of ordinary skill in the art would have been motivated to do this because it is flexible.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

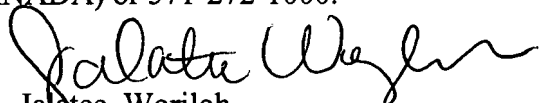
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jalatee Worjloh

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Primary Examiner
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August 15, 2007